

06.10.2020

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**CRM 6680 of 2020
IA No. CRAN/1/2020
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar P.S. Case No.1184 of 2019 dated 26.11.2019 under Sections 8(c)/22(c) of the NDPS Act.

And

In the matter of: Biplab Karmakar

....Petitioner.

Mr. Sourav Chatterjee
Mr. Soumya Nag

...for the Petitioner.

Mr. S.S. Imam
Mr. Subrato Roy

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within a month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The application being IA No. CRAN/1/2020 is disposed of.

Petitioner is in custody for 315 days.

It is submitted that no narcotic substance was recovered from his possession.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner alongwith other co-accused persons were dealing in narcotic substance above the commercial quantity.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime and as no narcotic substance was recovered from his possession and as his

complicity in the alleged crime had transpired from the statement of co-accused before a police officer, which is inadmissible evidence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted bail.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special 3rd Court, Malda subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

CRM 6680 of 2020 is disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)